



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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Report No. TEL-01612NS

Thursday April 18, 2013

Non Streamlined International Applications/Petitions Accepted For Filing

Section 214 Applications (47 C.F.R. § 63.18); Authorize Switched Services over Private Lines (47 C.F.R. § 63.16) and Section 310(b)(4)

Unless otherwise specified, the following procedures apply to the applications listed below:

The applications listed below have been found, upon initial review, to be acceptable for filing. These applications are not subject to the streamlined processing procedures set forth in Section 63.12 of the Commission's rules, 47 C.F.R. § 63.12. These applications shall not be deemed granted until the Commission affirmatively acts upon the application, either by public notice or by written order. Operation for which authorization is sought may not commence except in accordance with any terms or conditions imposed by the Commission.

Unless otherwise specified, interested parties may file comments with respect to these applications within 28 days of the date of this public notice. We request that such comments refer to the application file number shown below. No application listed below shall be granted by the Commission earlier than the day after the date specified in this public notice for the filing of comments.

Unless otherwise specified, ex parte communications between outside parties and Commission staff concerning these applications are permitted subject to the Commission's rules for "permit-but-disclose proceedings." See 47 C.F.R. § 1.1206.

Copies of all applications listed here are available for public inspection in the FCC Reference and Information Center, located in room CY-A257 at the Portals 2 building, 445 12th Street SW, Washington DC 20554. The center can be contacted at (202) 418-0270. People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty). All applications listed are subject to further consideration and review, and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

Petition for Declaratory Ruling

T-Mobile USA, Inc. (T-Mobile USA or Petitioner) filed a petition for declaratory ruling (Petition) asking the Commission to allow indirect foreign ownership of Cook Inlet/VS GSM VII PCS, LLC (CIVS VII) and its common carrier broadband personal communications (PCS) and advanced wireless service (AWS) wireless licenses in excess 25 percent statutory benchmark set forth in section 310(b)(4) of the Communications Act of 1934, as amended, 47 U.S.C. § 310(b)(4). This Petition was filed in connection with an application seeking Commission consent to the transfer of control of CIVS VII to T-Mobile USA. ULS File No. 0005692942. Upon consummation of the proposed transaction, CIVS VII will become a wholly-owned and controlled indirect subsidiary of T-Mobile USA. (T-Mobile currently holds an indirect non-controlling equity interest in CIVS VII.)

In its Petition, T-Mobile USA states that the Commission has recently approved the indirect 100% foreign ownership of common carrier wireless licenses by Deutsche Telekom AG (DT), and by DT's shareholders. See T-Mobile/MetroPCS Order, WT Docket No. 12-301, DA13-384, 28 FCC Rcd 2322 (WTB/IB 2013). Petitioner states that although the T-Mobile/MetroPCS transaction has not yet been consummated, it is anticipated that transaction will close prior to the consummation of the transaction associated with the instant Petition. Accordingly, Petitioner requests section 310(b)(4) approval based upon the final ownership structure of T-Mobile USA (or any successor entity) as described and approved in the T-Mobile/MetroPCS Order.

CIVS VII, T-Mobile USA, and the two intervening wholly-owned subsidiaries of T-Mobile USA, are U.S.-organized entities, as is T-Mobile US, Inc., the direct 100% parent of T-Mobile USA. T-Mobile Global Holding GmbH (T-Mobile Holding) will hold a 74% interest in T-Mobile US, Inc. T-Mobile Global is wholly owned by DT, through its wholly-owned subsidiary, T-Mobile Global Zwischenholding GmbH (T-Mobile Global). The Federal Republic of Germany (FRG) holds an approximately 15% direct interest in DT. Kreditanstalt für Wiederaufbau (KfW), a bank that is 80% owned by the FRG and 20% owned by the German federal states, holds an approximately 17% direct interest in DT. T-Mobile Holding, T-Mobile Global, DT and KfW are all organized under the laws of the Federal Republic of Germany, which is a World Trade Organization (WTO) Member country. Thus, DT, through T-Mobile Holding and T-Mobile Global, will hold a 74% indirect ownership interest in CIVS VII. The existing shareholders of MetroPCS will hold the remaining 26% indirect ownership in CIVS VII.

Petitioner further requests that the Commission condition its grant of the Petition on compliance with the provisions of the National Security Agreement entered on January 12, 2001, as amended, between DT, T-Mobile USA and MetroPCS, on the one hand, and the U.S. Department of Justice, the Federal Bureau of Investigation, and the Department of Homeland Security, on the other, pursuant to Section 7.2 of the National Security Agreement.

Interested parties may file comments on or before May 2, 2013, and reply comments on or before May 9, 2013.

International Telecommunications Certificate

Service(s): Global or Limited Global Resale Service

Application for authority to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(2).

International Telecommunications Certificate

Service(s): Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service

Application for authority to provide facilities-based service in accordance with section 63.18(e)(1) of the Commission's rules, and also to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(1), (2).

REMINDER:

Applicants must certify that neither the applicant nor any party to the application is subject to a denial of federal benefits by federal and/or state courts under authority granted in 21 U.S.C. § 862. See 47 C.F.R. §§ 1.2001-.2003.

An updated version of Section 63.09-.25 of the rules, and other related sections, is available at <http://www.fcc.gov/ib/pd/pf/telecomrules.html>